

JASON LEE ROLLER
Claimant

ENGINEERED LAMINATES

Respondent

WAUSAU INSURANCE COMPANIES
Insurance Carrier

ORDER

APPEARANCES

RECORD AND STIPULATIONS

ISSUES

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments of the parties, the Appeals Board finds that claimant sustained a 10 percent permanent partial disability to the right hand and the Award of the Administrative Law Judge should be affirmed.

Claimant met with personal injury by accident on May 13, 1992 when his right hand was caught in a set of rollers that he was wiping. His hand was pulled into the machine to his mid-forearm. The dispute here concerns whether the accident resulted in permanent impairment as to the hand only or, as claimant contends, caused injury to the elbow and/or shoulder.

Dr. Bradley W. Storm, the treating physician, testified that in his opinion claimant sustained an impairment of the right hand only. Claimant was referred by his counsel for examination by Dr. John A. Pazell. Dr. Pazell found an impairment in the elbow and shoulder and rated the claimant's impairment as a general body impairment.

In response to this conflict, the Administrative Law Judge referred claimant to Dr. Fred A. Rice, Jr., for an independent medical examination. Dr. Rice concluded, following his examination of November 9, 1994, claimant sustained permanent partial impairment to the right hand only. He noted some complaints to the right elbow and right shoulder, but it was his opinion that claimant's permanent partial impairment was limited to the right hand. He rated claimant's impairment at 10 percent to the right hand.

After reviewing the record, the Appeals Board agrees with the finding that claimant's disability was limited to the hand. The Appeals Board also finds claimant has a 10 percent disability to the right hand.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Alvin E. Witwer dated December 4, 1995, should be, and the same is hereby, affirmed.

AN AWARD OF COMPENSATION IS HEREBY MADE IN ACCORDANCE WITH THE ABOVE FINDINGS IN FAVOR of the claimant, Jason Lee Roller, and against the respondent, Engineered Laminates, and its insurance carrier, Wausau Insurance Companies, for an accidental injury which occurred May 13, 1992 and based upon an average weekly wage of \$412.74, for 3.14 weeks of temporary total disability compensation at the rate of \$275.17 per week or \$864.03. Such is found to constitute a healing period, and additionally, claimant is entitled to 15 weeks permanent partial disability compensation at the weekly rate of \$275.17 per week or \$4,127.55 for a 10% permanent partial disability to the right hand, making a total award of \$4,991.58, to be paid in one lump sum minus amounts previously paid.

The Appeals Board adopts all other orders made in the Award of December 4, 1995.

IT IS SO ORDERED.

Dated this ____ day of May 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Dennis L. Horner, Kansas City, KS
Timothy Piatchek, Overland Park, KS
Alvin E. Witwer, Administrative Law Judge
Philip S. Harness, Director